

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

DAMILARE SONOIKI,

Plaintiff,

v.

HARVARD UNIVERSITY, et al.,

Defendants.

Civil Action No. 1:19-cv-12172-LTS

**[ASSENTED-TO] MOTION FOR LEAVE TO FILE PLAINTIFF’S MEMORANDUM IN
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT
REDACTED, DEFENDANTS’ STATEMENT OF UNDISPUTED FACTS AND
PLAINTIFF’S RESPONSES REDACTED, AND ATTORNEY DECLARATION AND
EXHIBITS UNDER SEAL**

Now comes Plaintiff Damilare Sonoiki, (“*Plaintiff*” or “*Mr. Sonoiki*”) by and through counsel, and pursuant to Local Rule 7.2, and hereby moves for leave to file a redacted copy of his Opposition to Defendants Harvard University, Harvard University Board of Overseers, and the President and Fellows of Harvard College, (together, “*Harvard*” or “*Defendants*”) Motion for Summary Judgment (the “*Opposition*”), and to file an unredacted copy under seal; to file a redacted copy of the Defendants’ Statement of Undisputed Facts and Plaintiff’s Responses, and to file an unredacted copy under seal; and to file the Declaration of Anna Bullock and its accompanying exhibits under seal.

As explained below, the materials relevant to Defendants’ Motion for Summary Judgment and Plaintiff’s Opposition that Plaintiff seeks to file under seal contain confidential and private information about Plaintiff and non-parties, and/or are marked and/or presumed “Confidential”

pursuant to the Protective Order in this action. They contain Confidential Information and other personal and private information about Plaintiff and non-parties.

On June 28, 2023, pursuant to Local Rule 7.1(b)(2), Plaintiff intends to file the Opposition and accompanying materials through ECF. Plaintiff seeks leave of this Court to file a redacted Opposition and to submit to the Court an unredacted Motion under seal. Plaintiff also seeks to file attachments to the Declaration of Anna Bullock, under seal. Finally, Plaintiff seeks to file a redacted copy of the Statement of Undisputed Fact of Defendants and Plaintiff's Responses thereto under seal. Counsel for Plaintiff has conferred with counsel for Defendants, who have indicated that Defendants assent to the relief requested.

In support hereof, Plaintiff states as follows:

1. The Court entered an agreed-upon Protective Order between Plaintiff and Defendants on October 26, 2022. ECF No. 70.

2. Pursuant to the Protective Order, the parties were permitted to, and did, designate deposition testimony, deposition exhibits, and all other Discovery Material—defined as “any information in any form (including without limitation, a document, electronically stored information, witness testimony, or response to written discovery) that is produced or generated in disclosures or responses to discovery in this matter or appended to pleadings in this matter (whether or not produced)”—as “Confidential.” *See id.* at ¶¶ 2, 11.

3. The Protective Order further provides that Confidential Information cannot be filed in the public record in this action without an agreement between the parties to file the material with agreed-upon redactions or to waive the designation as “Confidential Information.” *See id.* at ¶ 20.

4. Plaintiff's Opposition includes references to Confidential Information.

5. Defendants' Statement of Undisputed Facts and Plaintiff's Responses thereto includes references to Confidential Information.

6. The exhibits accompanying the declaration of Anna Bullock contain deposition testimony that has been designated as "Confidential," and personal and private information about Plaintiff and third parties. To the extent that the exhibits contain documents that are not designated as "Confidential," any such materials are sparse and intertwined with the protected documents, and separating and redacting the information would eliminate necessary context and create a substantial burden.

7. With the Court's permission, Plaintiff will submit his Opposition and these related materials through ECF with limited redactions over portions of the same that quote or cite material previously designated as "Confidential" in accordance with the Protective Order and submit to the Court an unredacted version of the Opposition and related materials under seal.

6. The parties have conferred and agree that the procedure described herein is consistent with the parties' Protective Order and is necessary and appropriate in order to protect the personal and private information of Plaintiff and third parties.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion and allow the designated materials to be filed redacted and/or under seal, as described herein.

Respectfully Submitted,

KOHRMAN JACKSON & KRANTZ LLP

/s/ Anna E. Bullock

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

The undersigned counsel hereby certifies that counsel conferred in good faith with Plaintiffs' counsel regarding the issues raised in this Motion on June 27, 2023, and Defendants assented to the relief requested herein.

/s/ Anna E. Bullock
ANNA E. BULLOCK (*pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the above document upon all parties with an interest in this matter by electronically filing it through this Court's CM/ECF filing system on June 27, 2023.

/s/ Anna E. Bullock
ANNA E. BULLOCK (*pro hac vice*)